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8 Attorneys for the United States

9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA

11 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA, })

CR NO. 11-MJ-71125-MAG

14 Plaintiff, })

STIPULATION AND [PROPOSED]
ORDER TO CONTINUE THE STATUS
CONFERENCE AND WAIVE TIME
PERIOD OR PRELIMINARY
HEARING

15 v. })

16 TUAN TAN NGUYEN,
a/k/a Quang Ding Phan, })

17 Defendant. })

1 On October 4, 2011, the defendant made his first appearance in this District on a
2 complaint from the District of Massachusetts, *United States v. Tuan Tan Nguyen*, Case No. CR
3 95-0249-JLA. On October 14, 2011 and October 28, 2011, at prior appearances on this matter
4 before the Honorable Rosalyn M. Chapman and Timothy J. Bommer, respectively, the defendant
5 waived his right to have a preliminary hearing on the complaint within the time period set under
6 Fed. R. Cr. P. 5(c)(3)(C) and 5.1(c).

7 On November 18, 2011, the defendant appeared before the Honorable Joseph C. Spero.
8 Defense counsel and counsel for the United States advised the Court that the defendant was
9 seeking to resolve the matter by pleading guilty in this District under Fed. R. Cr. P. 20; that
10 negotiations were ongoing with the District of Massachusetts; and that additional time was
11 required to complete the negotiations and effect the transfer of the case to this District. On that
12 date, the defendant again waived his right to seek a preliminary hearing on the complaint with the
13 time period set under Fed. R. Cr. P. 5(c)(3)(C) and 5.1(c). The matter was set for a further
14 appearance on December 16, 2011.

15 The parties have continued to work towards resolution of this matter and the two United
16 States Attorney's Offices involved, the District of Massachusetts and the Northern District of
17 California, are seeking the requisite approvals to affect a Rule 20 transfer. To allow sufficient
18 time for the United States Attorney's Offices and the defendant to complete the negotiations and
19 obtain the requisite approvals, the parties seek a continuance until January 18, 2012 and request

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US V. NGUYEN, CR NO. 11-MJ-71125-MAG
STIP. AND [PROPOSED] ORDER

1 that the matter be set for status on that date. As he has at prior appearances, the defendant
2 waives his right to seek a preliminary hearing on the complaint with the time period set under
3 Fed. R. Cr. P. 5(c)(3)(C) and 5.1(c).

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5 Date: December 14, 2011

6 Respectfully Submitted,

7 MELINDA HAAG
8 UNITED STATES ATTORNEY

9 /s/
10 DENISE MARIE BARTON
11 Assistant U.S. Attorney

12 TUAN TAN NGUYEN

13 /s/
14 RONALD C. TYLER
15 Attorney for TUAN TAN NGUYEN

16 [PROPOSED] ORDER

17 In accordance with Fed. R. Cr. P. 5(d), based upon the representation of counsel, the
18 defendant's stated consent, and for good cause shown, the Court finds that the ends of justice
19 served by extending the time period set for a preliminary hearing under Fed. R. Cr. P. 5(c)(3)(C)
20 and 5.1(c) outweigh the best interests of the public and the defendant in a prompt disposition of
21 this matter. Therefore, IT IS HEREBY ORDERED that the status conference on December 16,
22 2012 be continued until January 18, 2012. IT IS FURTHER ORDERED that the period by
23 which a preliminary hearing on the complaint must be heard is continued from December 16,
24 2011 through January 18, 2012.

25 DATED: Dec 14, 2011

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27 HONORABLE ELIZABETH D. LAPORTE
28 United States Magistrate Court Judge